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Letter dated 18 August 2008 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

On instructions from Amre Moussa, Secretary-General of the League of Arab States, I have the honour to enclose herewith a copy of the package agreed in Khartoum, Sudan, on 21 July 2008 between the Government of the Republic of the Sudan and the Secretary-General of the League of Arab States regarding the recent events related to Darfur (see annex).

Pursuant to article 54 of the Charter of the United Nations, I should be grateful if you would arrange for the text of this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Yahya **Mahmassani**
Ambassador

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Annex to the letter dated 18 August 2008 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

[Original: Arabic]

The solution package:

1. To give priority to finding a political settlement of the Darfur issue and establishing peace in the region, thereby enabling all its peoples to live together, underlining the rule of law and achieving equality. An end must be put to the emergency situations that inevitably lead to more violations and transgressions: to that end, efforts to implement the political solution initiative of the Sudanese national forces must be reactivated, by expanding its scope and combining those efforts with those that are exerted in order to overcome the obstacles to the participation of the armed movements in attempts to find a political solution to the Darfur issue that is based on the Darfur Peace Agreement and capable of dealing with additional requirements without any preconditions being imposed by any party. The laudable efforts exerted by neighbouring countries to find a political solution should be utilized.

2. The role of the forces of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) should be enhanced; they should be provided with all needs and their mandated duty of protecting civilians in Darfur should be facilitated. The tripartite cooperation between the Sudan, the United Nations and the African Union should be assured in order to continue the provision of humanitarian assistance and care to the displaced persons and refugees, preparing the way for the political solution and a return to normal in Darfur and avoiding any security lapses that might be caused by the request from the Prosecutor.

3. The Sudanese judiciary should continue to consider criminal cases on the basis of the investigations of the existing or any future judicial committees. In that regard, the following should be noted:

- The Government of the Sudan affirms that it will undertake responsibility for bringing to justice any person, whatever their position, whose involvement in criminal activity has been proved, and will make it clear that Sudanese law does not exempt anyone from responsibility.
- The Sudanese legislator will take the necessary measures to ensure that all the crimes provided for in international humanitarian law will be covered in Sudanese criminal law, commensurate with the Constitution.
- The Sudanese judges will provide an opportunity for a team of legal experts from the African Union, the League of Arab States and the United Nations to examine the consistency and comprehensiveness of Sudanese laws and the integrity of judicial procedures.
- It is affirmed that everyone has the right to bring a lawsuit and to equality before the law, thereby providing constitutional alternatives to war and the bearing of arms.
- The Government of the Sudan will endeavour to announce the judgements relating to cases which have been considered by the courts and the judicial procedures which remain under consideration or are at the investigation stage.

– The Government of the Sudan affirms that it is ready to set up special courts to consider crimes related to the situation in Darfur, which shall be governed by judicial guarantees of justice, and a special Public Prosecutor shall be appointed for that purpose.

4. On the basis of the foregoing, the Government of the Sudan affirms its commitment to dealing with the remnants of the conflict in Darfur in accordance with the law, using judicial procedures ruled by the Sudanese and African legal practices prevailing in Darfur with respect to settlements and compensation.

5. In order to guarantee the progress of the political process aimed at reaching a comprehensive settlement in Darfur, the Security Council shall decide to halt the proceedings that it has taken under resolution 1593 (2005) and its claims, in response to the efforts exerted by the African Union, the League of Arab States and the Government of the Sudan aimed at encompassing and containing the Darfur problem and then resolving it.

6. With the participation of the United Nations and the cooperation of the Sudanese parties, the African Union and the League of Arab States shall strive to achieve national reconciliation and social peace and to launch a mechanism for inter-Darfuri dialogue.

7. In accordance with paragraph 1, this package ensures that any conflict between the demands of justice and the process of achieving peace and stability shall be avoided.